REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Therefore, claims 1-24 remain pending. Claims 1, 4, 7, 8, 9, 10, 11, 12, 13, and 14 are independent.

CLAIMS AMENDED TO ADDRESS INFORMAL ISSUES

In this Reply, claims have been amended primarily to address informal matters such as to correct antecedent basis issues and to correct clerical issues. Other than the phrase "wirelessly", it is intended that the scopes of the claims remain largely unchanged.

§ 103 REJECTION – SATO, GOTANDA

Claims 1-24 stand rejected under 35 U.S.C. § 103(A) as allegedly being unpatentable over Sato (USP 6,515,704) in view of Gotanda et al. (USP 6,707,570). *See Final Office Action, item 2.* Applicants respectfully traverse.

For a Section 103 rejection to be proper, the cited references must teach or suggest each and every claimed element. If the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In the previous Reply filed on May 9, 2005, Applicants amply demonstrated Sato and Gotanda cannot be relied upon to all features of the

rejected claims prior to the amendment. Applicants maintain all previous arguments made of record.

As amended, independent claim 1 recites, in part "a thumbnail-image data transmitting device configured to transmit wirelessly the thumbnail-image data" and "an image data receiving device configured to receive wirelessly the thumbnail-image data transmitted from said thumbnail-image data."

In addition, it is noted that Sato and Gotanda, individually or in combination, are silent regarding wireless communication of any sort. Therefore, Sato and Gotanda cannot be relied upon to teach or suggest the features of claim 1 as recited above. For at least these reasons, claim 1 is distinguishable over the combination of Sato and Gotanda.

Independent claim 4 recites that a digital still camera includes, in part "a thumbnail-image data transmitting device configured to transmit wirelessly the thumbnail-image data." It has amply been demonstrated above that the combination of Sato and Gotanda cannot be relied upon to teach or suggest at least this feature. Therefore, independent claim 4 is distinguishable over the combination of Sato and Gotanda.

Independent claim 7 recites that an image data receiving apparatus includes, in part "an image data receiving device configured to receive wirelessly the thumbnail-image data transmitted from said thumbnail-image data." It has amply been demonstrated above that the combination of Sato and

Gotanda cannot be relied upon to teach or suggest at least this feature. Therefore, independent claim 7 is distinguishable over the combination of Sato and Gotanda.

Independent claim 8 recites that an image data receiving apparatus includes, in part "an image data receiving device configured to receive wirelessly thumbnail-image data transmitted from a digital still camera." It has amply been demonstrated above that the combination of Sato and Gotanda cannot be relied upon to teach or suggest at least this feature. This alone is sufficient to distinguish claim 8 over the combination of Sato and Gotanda.

There are other distinctions as well. Independent claim 8 also recites that an image data transmitting apparatus includes, in part "an identification-code receiving device configured to receive wirelessly ... the identification code transmitted from ... said image data receiving apparatus." Clearly, Sato and Gotanda cannot be relied upon to teach or suggest at least this feature. For at least the above stated reasons, independent claim 8 is distinguishable over the combination of Sato and Gotanda.

Independent claim 9 recites that the image data receiving apparatus includes, in part "an image data receiving device configured to receive wirelessly thumbnail-image data transmitted from a digital still camera." As demonstrated above, this alone is sufficient to distinguish claim 9 over the combination of Sato and Gotanda.

There are other distinctions as well. Independent claim 9 also recites that the image data receiving apparatus includes "an identification-code data transmitting device configured to transmit wirelessly ... the identification code entered by said identification code input device, to an image data transmitting apparatus. Clearly, Sato and Gotanda cannot be relied upon to teach or suggest at least this feature. For at least these reasons, independent claim 9 is distinguishable over the combination of Sato and Gotanda.

Independent claim 10 recites that the image data transmitting apparatus includes, in part "an identification-code receiving device configured to receive wirelessly ... an identification code transmitted from ... an image data receiving apparatus" and "a main-image data transmitting device configured to transmit the main-image data read by said reading device to said image data receiving apparatus." It has been clearly demonstrated above that the combination of Sato and Gotanda cannot be relied upon to teach or suggest at least these features. Therefore, for at least this reason, independent claim 10 is distinguishable over the combination of Sato and Gotanda.

Independent claim 11 recites that a method to control a digital camera includes, in part "transmitting wirelessly the thumbnail-image data to an image data receiving apparatus in association with the identification code that corresponds to the corresponding image of the subject." It has been clearly demonstrated above that the combination of Sato and Gotanda cannot be relied

upon to teach or suggest at least this feature. Therefore, for at least this reason, independent claim 11 is distinguishable over the combination of Sato and Gotanda.

Independent claim 12 recites that a method to control an image data receiving apparatus includes, in part "receiving wirelessly thumbnail-image data transmitted from a digital still camera and with which has been associated an identification code of a corresponding image of a subject." It has been clearly demonstrated above that the combination of Sato and Gotanda cannot be relied upon to teach or suggest at least this feature. Therefore, for at least this reason, independent claim 12 is distinguishable over the combination of Sato and Gotanda.

Independent claim 13 recites that a method to control an image data receiving apparatus includes, in part "receiving wirelessly thumbnail-image data transmitted from a digital still camera and with which has been associated an identification code of a corresponding image of a subject" and "transmitting wirelessly ... the entered identification code, to an image data transmitting apparatus." It has been clearly demonstrated above that the combination of Sato and Gotanda cannot be relied upon to teach or suggest at least these features. Therefore, for at least this reason, independent claim 13 is distinguishable over the combination of Sato and Gotanda.

Independent claim 14 recites that a method to control an image data transmitting apparatus includes, in part "receiving wirelessly ... an identification code transmitted from an image data receiving apparatus" and "transmitting wirelessly the read main-image data to said data receiving apparatus." It has been clearly demonstrated above that the combination of Sato and Gotanda cannot be relied upon to teach or suggest at least these features. Therefore, for at least this reason, independent claim 14 is distinguishable over the combination of Sato and Gotanda.

Claims 2-3, 5-6 and 15-24 depend from independent claims 1, 4, 8, 9, 10, 11, 12, 13 or 14 directly or indirectly. Therefore, for at least the reasons stated with respect to the independent claims, these dependent claims are also distinguishable over the combination of Sato and Gotanda.

The dependent claims are distinguishable on their own merit as well. For example, claim 5 recites that the camera further includes, in part "an image-sensing controller configured to allow a succeeding sensing of the image of a subject by said image sensing device in response to a completion of the recordation of the main-image data on the recording medium by said first recording controller and a completion of the transmission of the thumbnail-image data by said thumbnail-image data transmitting device."

As recited, more images may be sensed after the previously sensed image has been recorded in the to recording medium and the thumbnail image has

been transmitted. In the Final Office Action, the Examiner alleges that Gotanda, in column 11, lines 1-45, teaches this feature.

A closer inspection of the relied upon merely reveals that the host computer processes the print order instructions after the user completes the print order. There is no indication of any type of image sensing at all in the relied upon portion. Therefore, contrary to the Examiner's allegation, Gotanda cannot be relied upon to teach or suggest the feature of claim 5.

Claim 6 recites that the camera further includes, in part "a first discriminating device configured to determine whether the shutter-release button has been pressed during transmission of the thumbnail-image data by said thumbnail-image data transmitting device." The Examiner alleges that Sato teaches this feature.

As demonstrated above, it is clear that Sato cannot be relied upon to teach or suggest the feature of the thumbnail-image data transmitting device. Then in naturally follows that Sato cannot teach or suggest determining whether any data has been transmitted at all. Therefore, contrary to the Examiner's allegation, Gotanda cannot be relied upon to teach or suggest the features of claim 6.

Claim 15 recites, in part "wherein the main-image data is recorded in an image file and the identification code is recorded in a header of the image file." The Examiner alleges that Figure 20 of Gotanda teaches this feature.

However, Figure 20 is merely an illustration of the at-a-glance display 160 – i.e. a terminal – to interface with the user so that the user may select images for print. Thumbnail images are displayed in the thumbnail-image display areas 161 and the names of the images are also displayed.

There is nothing in Figure 20 to suggest how an image file is organized. Therefore, contrary to the Examiner's allegation, Gotanda cannot be relied upon to teach or suggest the features of claim 15.

Claims 16, 18, 20 and 21 recite features similar to claim 15. Thus, for at least the reasons stated with respect to claim 15, Gotanda cannot be relied upon to teach or suggest the features of claims 16, 18, 20 and 21.

Claim 17 recites, in part "wherein the identification code associated with the thumbnail-image data is recorded in a header of an image file and wherein a main-image data related to the thumbnail-image data is recorded in the image file." The Examiner alleges that Figures 20 and 21 of Gotanda teaches this feature.

As demonstrated above, Figure 20 does not suggest any type of an internal organization of an image file. Figure 21 illustrates an interface that merely allows the user to select the location – such as the destination airport – where the printed images may be picked up. Thus, Figure 21 is also deficient. Therefore, contrary to the Examiner's allegation, Gotanda cannot be relied upon to teach or suggest the features of claim 17.

Claims 19, 22, 23 and 24 recite features similar to claim 17. Thus, for at least the reasons stated with respect to claim 17, Gotanda cannot be relied upon to teach or suggest the features of claims 19, 22, 23 and 24.

Also in rejecting claims 7-12, the Examiner states, "As claims 7-12 are analyzed as previously discussed with respect to claims 1-6 above." *See Final Office Action, page 6, line 4.* However, it should be noted that the feature of the data transmitting device including an identification-code data receiving device and conversely the feature of image data receiving device including an identification-code transmitting device is not recited in any of the claims 1-6. For claims 7-12, the Examiner does not even allege a prima facie case of unpatentability.

Thus, no statements regarding these features present in claims 7-12 in the cited references were made in the Final Office Action. As such, the absence of such statements is an admission that such features are not taught or suggested by the cited references.

For at least the reasons discussed above, Applicants respectfully request that the rejection of claims 1-24 based on Sato and Gotanda be withdrawn.

COMMENTS ON THE EXAMINER'S RESPONSE TO ARGUMENTS

Regarding the "Response to Arguments" section of the Final Office Action, the following points are noted:

First, the Examiner indicates that he is responding to Applicant's Reply filed on February 11, 2005. However, it is noted that Applicants actually filed the previous Rule 111 Reply on May 9, 2005.

Second, the Examiner alleges that Applicants argued the Examiner's conclusion of obviousness is based on improper hindsight reasoning. Applicants made no such argument. However, Applicants reserve the option of doing so.

Third, referring to pages 16-17 of the previously filed reply, the Examiner alleges that Applicants argued there is no suggestion to combine the references. Applicants made no such argument. Again however, Applicants reserve the option of doing so.

Fourth, referring to page 17 of the previously filed reply, the Examiner alleges that Applicants argued the combination of Sato and Gotanda does not teach or suggest "whether thumbnails are transmitting."

This is incorrect. Applicants argued that the combination of Sato and Gotanda cannot be relied upon to teach or suggest the feature of "a thumbnail-image data transmitting device." It is noted that claim 1 requires the digital still camera to include the feature of a thumbnail-image data transmitting device.

The Examiner responds that Gotanda teaches requesting the user to insert a recording medium on which thumbnail images are recorded and

reading from the recording medium for the image selection process is equivalent to the feature of "whether thumbnails are transmitting." There is nothing the Examiner's statement that indicates a digital camera includes this feature. Thus, even if the Examiner's allegation is taken to be true, it still fails to teach or suggest the feature of a digital camera including a thumbnail-image transmitting device.

Fifth, referring to page 18 of the previously filed reply, the Examiner alleges that Applicants argued the combination of Sato and Gotanda does not teach or suggest "an ID data receiving device for receiving an ID code transmitted from an image data receiving apparatus."

This is incorrect. Applicants argued that the combination of Sato and Gotanda cannot be relied upon to teach or suggest that data transmitting device includes "an identification-code data receiving device for receiving ... an identification code transmitted from an image data receiving apparatus." As recited in claim 10, the image transmitter receives the identification code from the image data receiver. In other words, the receiver of the image determines the image to be transmitted from the transmitter.

The Examiner alleges that Gotanda discloses an image-print apparatus issues identification data and an identification transmission unit for transmitting the identification unit to the image printing apparatus deployed at a destination. Even if the Examiner's allegation is taken to be true, at best,

allegation demonstrates that it is the image transmitter determines the image to be transmitted and not the receiver. The Examiner amply demonstrates that Gotanda teaches away from the feature as recited.

Also in claim 10, the image data transmitting device includes the identification-code data receiving device. The Examiner responds that Gotanda teaches requesting the user to insert a recording medium on which thumbnail images are recorded and reading from the recording medium for the image selection process.

There is nothing in the Examiner's allegation that indicates the alleged data transmitting station receives an identification code from the data receiving station. Thus, even if the Examiner's allegation is taken to be true, it still fails to teach or suggest the feature of the image data transmitting device as including the identification-code receiving device.

Sixth, again referring to page 18 of the previously filed reply, the Examiner alleges that Applicants argued the combination of Sato and Gotanda does not teach or suggest "data transmitting device from a digital camera with which the ID has been associated."

This is incorrect. Applicants noted that some features recited in claims 7-12 – are not recited in any of the claims 1-6. An example is the feature of the data transmitting device including the identification-code data receiving device.

Another example is the feature of image data receiving device including an identification-code transmitting device.

This was to demonstrate that the Examiner's rejection of claims 7-12 with merely a statement "As claims 7-12 are analyzed as previously discussed with respected to claims 1-6 above" is improper.

CONCLUSION

All objections and rejections raised in the Final Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Date: October 28, 2005

Respectfully submitted,

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